

01- *R* -1619

Attention: Sandra Flanagan  
Safety and Claims Department  
P.O. Box 25696  
Cleveland, Ohio 44125

THIS ADVERSE REPORT IS APPROVED

ADVERTISING CITY COURIER OCT 15 2001

# ADVERSE REPORT

COMM  
OCT 09 2001  
C. T. Martin  
Shirley  
C. T. Martin  
Wor



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

October 26, 2001

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

BP AMOCO  
Attn: Sandra Flanagan  
Safety and Claims Department  
P.O. Box 25696  
Cleveland, Ohio 44125

01-R-1619

Dear Ms. Flanagan:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on October 15, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 01L0520

Date: 9/19/01

Claimant /Victim BP AMOCO

BY: (Atty) \_\_\_\_\_

Address: P.O. Box 25696 Cleveland, Ohio 44125

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 6,895.33 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 8/15/01 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 6/7/01 Place: 2095 Metropolitan Avenue

Department \_\_\_\_\_ Division: \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

**NATURE OF CLAIM:** The claimant alleges that the bumper of an Atlanta concrete truck struck a gas pump causing damages in the above amount. In an investigation it was determined that the truck in question is owned by the State of Georgia Department of Transportation and not the City. Therefore for resolution, the claimant has been advised to pursue her claim with the State of Georgia Department of Transportation.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant X Other X Written \_\_\_\_\_ Oral X

Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report \_\_\_\_\_ Other \_\_\_\_\_

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental \_\_\_\_\_ Ministerial \_\_\_\_\_

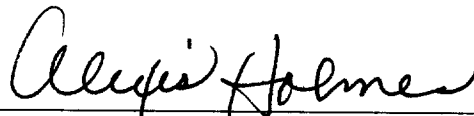
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_

City not involved X Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,



INVESTIGATOR - ALEXIS HOLMES

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 09-20-01

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 3186  
10/15/01  
3:51 PM

Atlanta City Council

Regular Session

MULTIPLE  
01-R-1619

Unfavorable Claims; Items #6-#23,  
#26 & #27  
ADVERSE

YEAS: 12  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 4  
EXCUSED: 0  
ABSENT 0

Y McCarty	Y Dorsey	Y Moore	NV Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	NV Morris	Y Maddox	Y Alexander
NV Winslow	Y Muller	Y Boazman	NV Pitts

CORRECTED COPY

MULTIPLE